

SENATOR BEREUTER: I request a record vote.

PRESIDENT: All right.

SENATOR BEREUTER: I am sorry. It was too early.

PRESIDENT: Have you all voted? Have you all voted?
Record. Senator Kelly.

SENATOR KELLY: Mr. President, Mr. President, I am getting signals that the auction is over and the number is "four". I withdraw my amendment.

PRESIDENT: Are you ready for the question on Senator Mills amendment? No, we are not ready for that question. Senator Bereuter, do you wish to be heard on the Mills amendment?

SENATOR BEREUTER: Only to request a record vote when we do vote on it.

PRESIDENT: All right. Senator Chambers, do you wish to be heard on this amendment?

SENATOR CHAMBERS: Yes, because this extends the statute of limitations, I would like to ask Senator DeCamp a question before he leaves. Senator DeCamp, I want to have a true idea of what types of items are involved or encompassed in the term "product". Now you know that legally the term "person" can include corporations, partnerships, all types of things, cities, political subdivisions. So the term "product", where is it defined in this bill, and I am thinking about an extended statutory period of limitation, so that I know what it is covering?

SENATOR DeCAMP: Okay, it is a very good question, Senator Chambers, a very good question. The word "product" as used in LB 665, I think I tried to point this out earlier and I may not have gotten it done, means the same as the word "goods" as defined in section 2-105 of the Uniform Commercial Code. Now as pointed out in the UCC in the comments to section 2-105, the definition is based on the concept of movability at the time of sale but also includes things attached to realty under certain conditions, if they can be specifically identified to a conduct tract of sale and can be severed from the realty without the material harm to the realty, a refrigerator, therefore, when you set it in the apartment, things like this. Buildings and other improvements are realty and severance would need to be accomplished without material harm to them. Okay, so what are we talking about. We are talking about approximately ten pages in the UCC where this has been litigated, defined, redefined and that is what we are talking about, and if you want to incorporate all those pages, that are already in the law, into this, you would just be duplicating, but for anybody involved in litigation, this would be answered. Could I just say one other thing?

SENATOR CHAMBERS: It hasn't been answered yet to my satisfaction. Where in this bill does it say that the definition of product obtains in this bill which would obtain in the Uniform Commercial Code? Where does this bill do that?